

RECEIVED

FEB 14 2001

TECH. CENTE.

A33083-PCT-USA - 0726676127
PATENT

#3 1638
Response to Notice
Group Art Unit: 1638



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cole et al.
Serial No. : 09/508,710
Filed : July 10, 2000
For : PLANT GENES

Examiner: Kruse, D.

Group Art Unit: 1638

RECEIVED

FEB 22 2001


RESPONSE TO NOTICE TO COMPLY AND SUBMISSION OF
SEQUENCE LISTING

TECH CENTER 1600/2900

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on:

February 7, 2001
Date of Deposit

Janet M. MacLeod
Attorney Name
35,263
Registration No.
February 7, 2001
Date of Signature


Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Notice to Comply contained in the Office Communication dated January 19, 2001, which was issued in the above-identified application. Please amend the specification as follows and consider the following remarks.

IN THE SPECIFICATION:

Please delete the Sequence Listing and substitute therefor the Sequence Listing submitted herewith.

REMARKS

Pursuant to 37 C.F.R. §1.821(c) and (e) and the Notice to Comply dated January 19, 2001, Applicants submit herewith a Substitute Sequence Listing in paper and computer readable form.

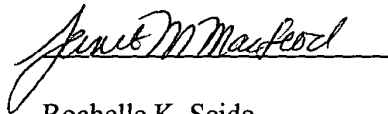
I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e), are the same.

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(g), herein does not include new matter.

Applicants do not believe that a fee is required with this submission. Please charge any fees associated with this filing or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

A copy of the Notice to Comply is enclosed.

Respectfully submitted,



Rochelle K. Seide
Patent Office Reg. No. 32,300

Janet M. MacLeod
Patent Office Reg. No. 35,263

Attorneys for Applicants
(212) 408-2597

Baker Botts, LLP
30 Rockefeller Plaza
44th Floor
New York, NY 10112

Notice to Comply

Application No.

09/508,710

Examiner

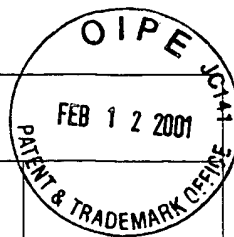
David H Kruse

Applicant(s)

COLE ET AL.

Art Unit

1638



NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

RECEIVED
FEB 22 2001
TECH CENTER 1500/2000